

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WINDWARD BORA, LLC,

Plaintiff

Docket No.: 19-cv-04503

-AGAINST-

JOHN SOTOMAYOR; ALEXANDRIA LOAIZA;
UNITED STATES OF AMERICA THROUGH THE IRS;
AMERICAN EXPRESS CENTURION BANK; MIDLAND
FUNDING LLC D/B/A IN NEW YORK AS MIDLAND
FUNDING OF DELAWARE LLC; NEW YORK STATE
TAX COMMISSION; "JOHN DOE" and "JANE DOE," the
last two names being fictitious, said parties intended being
tenants or occupants, if any, having or claiming an interest
in, or lien upon the premises described in the complaint,

Defendants.

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**AFFIDAVIT OF REPLY IN FURTHER SUPPORT OF PLAINTIFF'S RENEWED
MOTION FOR SUMMARY JUDGMENT**

STATE OF FLORIDA)
) ss.:
COUNTY OF DADE)

I, Yonel Devico, being duly sworn deposes and swears:

1. I am a duly authorized representative and Vice President of the Plaintiff, Windward Bora, LLC (the "Plaintiff" or "Windward Bora").

2. I make this Affidavit of Reply In Further Support of Plaintiff's Motion for Summary Judgment in the above-captioned matter.

3. In preparation of this Affidavit, I reviewed business records related to the Subject Loan identified as follows:

Borrower: John Sotomayor (the "Borrower")

Property Address: 2359 Maple Avenue, Cortlandt Manor, New York 10567 (the “Property”)

4. I also reviewed the business records relating to the amount of loans serviced by Windward Bora.

5. I am a member of Windward Bora and have access to and regularly access Windward Bora’s business records involving mortgage loans owned and/or serviced by it, including the Subject Loan.

6. In the regular performance of my job functions, I am familiar with business records maintained by Windward Bora. These records (which include, but are not limited to, data compilations, electronically imaged documents, and others) are made at or near the time of events or activities reflected in such records by, or from information provided by, persons with knowledge of the activities and the transactions reflected in such records and are kept in the ordinary course of business activity conducted regularly by Windward Bora (the “Business Records”). I am also familiar with Windward Bora’s office practices and procedures. It is the regular practice of Windward Bora’s business to create and maintain these records.

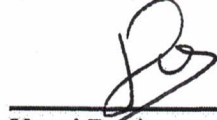
7. Furthermore, it is in Windward Bora’s ordinary course of business to communicate with its predecessors-in-interest to obtain information, data and records regarding the Subject Loan and to rely on that information, data and records and to incorporate those records into the Business Records for Windward Bora.

8. In connection with making this Affidavit, I personally examined Windward Bora’s Business Records associated with the Subject Loan. As a result of this review, I know the facts set forth in this Affidavit based on my own personal knowledge and if called and sworn as a witness could competently testify thereto.

9. Windward Bora has serviced the subject Loan internally since its acquisition. At no time has Windward Bora serviced more than eighty (80) loans internally.

WHEREFORE, I respectfully request that the within motion be granted in all respects.

WINDWARD BORA, LLC



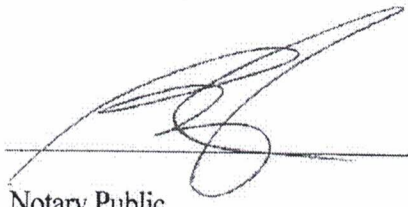
Yonel Devico
Vice President

STATE OF FLORIDA)
) ss.
COUNTY OF DADE)

On October 8th, 2020, before me, Brandon Ramos, a Notary Public in and for said County and State, personally appeared Yonel Devico, who is "**CIRCLE ONE**" personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

[NOTARY SEAL]

My Commission Expires: 12/09/2022



Notary Public

